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In re Application of :
Jan A Verschoor et al :
Serial No.: 09/696,605 : PETITION DECISION
Filed: October 25, 2000 :
Attorney Docket No.: U013022-9 :
:

This is in response to the petition under 37 CFR 1.181, filed July 11, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability, requiring new drawings, to applicants on June 6, 2002, setting a three month statutory period for reply. Applicants replied on September 6, 2002 (Certificate of Mailing date) by paying the Issue Fee and submitting new sheets of drawing and an amendment under 37 CFR 1.312. The examiner entered the amendment and mailed a new PTO Form 948 to applicants indicating the newly submitted drawings were. Upon failure to submit new drawings a Notice of Abandonment was mailed to applicants on January 10, 2003, with another copy of PTO Form 948.

A review of the PTO Form 948 mailed with the Notice of Allowability shows that Figures 25-27 were not proper photomicrographs, that margins were not acceptable on Figures 4-6, 9-14, 16 and 20 and that lines, number and reference characters were of poor quality or all drawings. The drawings submitted September 12, 2002, were objected to for the same reasons, namely Figures 25-27 and 31 were poor quality photographs, improper margins on Figures 6, 14-16 and 18-19 and poor quality lines characters and numbers on Figures 2-3, 9 and 23-31. Thus applicants corrected only a small number of drawing problems in response to the first notice thereof and have made no effort to file new drawings since them.

Applicants state that no time period for submitting new drawings was set in the Notification of Acceptance of the amendment under 37 CFR 1.312. This is correct. The reverse side of all Forms 948 sent to applicants clearly states, *inter alia*, If corrected drawings are required in a Notice of Allowability the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may not be obtained under the provisions of 37 CFR 1.136(a) or (b). While applicants submitted new drawings, they were in many ways not corrected – i.e. no photographs were submitted, as required. The submission does not reflect a good faith effort to overcome all of the objections to

the drawings set forth. In consequence thereof the application was held abandoned for failure to timely submit corrected drawings.

The petition is **DENIED**. Applicants may seek to revive this application under the provisions of 37 CFR 1.137, but any such effort must include submission of fully acceptable drawings and must be filed within TWO MONTHS of the date of mailing of this decision in order to be considered timely.

The application will be forwarded to Files Repository as an abandoned application.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 703-872-9306.



Bruce C. Kisliuk
Director, Technology Center 1600